

Remarks

Claims 34 and 37-39 are pending the application.

Claims 34 and 37 have been amended. Support for the claim amendment can be found throughout the application, including the claims as originally filed. Importantly, no new matter has been added to the claims. The amendments to the claims should not be construed to be an acquiescence to any of the rejections. The amendments to the claims are being made solely to expedite the prosecution of the above-identified application. The Applicant reserves the right to further prosecute the same or similar claims in subsequent patent applications claiming the benefit of priority to the instant application. 35 USC § 120.

The specification has been amended to remove an overly broad definition of “alkyl” and thus remove any potential confusion over the term.

Response to Rejections under 35 U.S.C. 102(b)

Claims 34 and 37 stand rejected under 35 U.S.C. 102(b) based on the Examiner’s contention that they are anticipated by WO 98/29580. The Applicants respectfully traverse this rejection.

Firstly, the Applicants wish to point out that the present application claims priority to U.S. Patent Application 09/159,814 filed on September 23, 1998, now abandoned. The international publication date of WO 98/29580 is July 9, 1998. Because WO 98/29580 did not publish more than 1 year prior to the present application’s priority date, the Applicants respectfully submit that the Examiner should have rejected the claims under 35 U.S.C. 102(a) instead.

Secondly, the Applicants respectfully submit that claims 34 and 37 as amended are not anticipated by WO 98/29580. The Examiner contended that WO 98/29580 anticipated claims 34 and 37 when Z (in either formula) was hydroxyl, amino, sulfhydryl, or cyano. The Applicants have amended claim 34 to remove these groups from the definition of Z. Because WO 98/29580

does not anticipate each and every limitation of claims 34 and 37 as amended, the Applicants respectfully submit that WO 98/29580 does not anticipate them.

Accordingly, the Applicants respectfully request the withdrawal of the 35 U.S.C. 102(b) rejection of claims 34 and 37.

Response to Objection of Claims

Claims 38 and 39 were objected to by the Examiner for being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. The Applicants respectfully submit that the independent base claim as amended is now in condition for allowance and therefore so are claims 38 and 39.

Accordingly, the Applicants respectfully request the withdrawal of the objection to claims 38 and 39.

Fees

The Applicants believe no fee is due in connection with the filing of this paper. Nevertheless, the Director is hereby authorized to charge any required fee to our Deposit Account, **06-1448**.

Conclusion

In view of the above amendments and remarks, the Applicants believe that the pending claims are in condition for allowance. If a telephone conversation with Applicant's Agent would expedite prosecution of the application, the Examiner is urged to contact the undersigned.

Respectfully submitted,
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